



30 SEP 2005

#4

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, AUSTRALIA 2041

In re Application of
SILVERBROOK, Kia

Application No.: 10/510,098

PCT No.: PCT/AU02/01121

Int. Filing Date: 21 August 2002

Priority Date: 28 June 2002

Attorney Docket No.: MJ87US

For: INK JET NOZZLE ASSEMBLY
INCLUDING DISPLACEABLE INK
PUSHER

DECISION ON

PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's Petition to Withdraw Holding of Abandonment," filed on 15 April 2005. It has been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 21 August 2002, applicant filed international application PCT/AU02/01121, claiming a priority date of 28 June 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 January 2004. The deadline for entry into the national stage in the United States was thirty months from the priority date, 28 December 2004.

On 05 October 2004, applicant submitted a transmittal letter for entry into the national phase in the United States accompanied by a declaration of the inventor and a check for \$1080.

On 21 March 2005, the Office mailed Notification of Abandonment indicating that applicant failed to pay the basic national fee by thirty months.

On 15 April 2005, applicant submitted a request to withdraw the holding of abandonment indicating that they had included a check for \$1080 with their submission.

DISCUSSION

On 05 October 2004, the basic national fee in the United States was \$1110, when the USPTO was neither the IPEA nor the ISA. However, applicant's fees were not due until 28 December 2004. On 08 December 2004, USPTO's fee structure changed. The applicable fees were: basic national fee \$300, examination fee \$200 and search fee \$400. The total fees required were \$900.

As such, applicants paid the basic national fee, along with the others mentioned, prior to thirty months from the priority date. The notification of abandonment issued in error.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 21 March 2005 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The application has a date of 08 December 2004 under 35 U.S.C. §371(c)(1), (c)(2) and (c)(4).

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292
Facsimile: (571) 273-0459